DOCUMENT RESUME

ED 104 497 JC 750 285

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TITLE An Annotated Bibliography of Studies Done on Two-Year Institutions of Higher Education in New Mexico.
INSTITUTION National Education Task Force de la Raza, Albuquerque, N. Mex.; New Mexico Univ., Albuquerque. Coll. of Education.
PUB DATE Dec 74
NOTE 53p.; For a related document see JC 750 175; Reproduced from best copy available

EDRS PRICE MF-$0.76 HC-$3.32 PLUS POSTAGE
DESCRIPTORS *Annotated Bibliographies; *College Planning; *Educational History; Educational Legislation; Educational Trends; *Junior Colleges; State Agencies; *State Legislation; Statewide Planning
IDENTIFIERS *New Mexico

ABSTRACT

In New Mexico there is increasing public interest and dialogue on the need for two-year institutions of higher education, with special interest in the establishment of a community college system. This 31-item annotated bibliography lists little-known reports, hearing, legislation, and documents which deal with the two-year institutions of higher education in New Mexico. Anyone interested in community colleges, and especially those decision-makers who will decide the future implementation of a two-year community college system in New Mexico, will find this document useful. The appendices contain the Junior College Law, the Branch College Law, a complete list of the laws which have been introduced on junior colleges in the New Mexico state legislature, and the Board of Educational Finance's criteria for the establishment of branch and junior colleges. (Author/DC)

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AN ANNOTATED BIBLIOGRAPHY OF STUDIES DONE ON TWO-YEAR INSTITUTIONS OF HIGHER EDUCATION IN NEW MEXICO

BEST COPY AVAILABLE

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December, 1974

NATIONAL EDUCATION
TASK FORCE DE LA RAZA

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This Review of Public Two-Year Institutions of Higher Education in New Mexico is a timely and important document which will make a valuable contribution to the sparse literature in this educational thrust.

Notwithstanding the leveling off in student enrollment in universities and colleges across the country, there has been a dramatic surge in establishing, making additions to, and increased enrollment in two-year institutions of higher education. In New Mexico there is increased public interest and dialogue on the need for two-year institutions of higher education with special interest in the establishment of a community college. This review has examined the sparse literature, especially in New Mexico, dealing with the subject. Mr. Esquibel has painfully studied the little-known and unfamiliar reports, surveys, hearings, legislation, and documents and has placed them at the fingertips of those who are interested in this subject, more especially for those decision makers who will decide the future implementation of a two-year community college in New Mexico.

This review is a must for those who will decide and are vitally interested in the future of higher education in New Mexico and the growth of two-year institutions of higher education in general.

It has been a personal privilege to have collaborated with Antonio Esquibel in documenting this valuable information.

Dr. Henry A. Casso
Executive Secretary
National Education Task Force
de la Raza

ABSTRACT

This study contains a summary of thirty-one studies, reports and books which deal with the two-year institutions of higher education in New Mexico. The reference section of this study lists the complete reference information for each study. The appendixes contain the Junior College Law, the Branch College Law, a complete list of the laws which have been introduced on junior colleges in the New Mexico state legislature and the Board of Educational Finance's criteria for the establishment of branch and junior colleges.

TABLE OF CONTENTS

Page

Introduction. 1

Studies on Junior Colleges in New Mexico. 3

References. 16

Appendixes

A. An Act Relating to Colleges and Universities; Providing for the Establishment of Community Colleges as Branches of Existing Colleges or Universities, and Providing for Funds and Dissolution. 19

B. An Act Relating to Community Colleges: Senate Bill No. 132; Approved March 15, 1963 20

C. Junior College Bills Introduced. 23

D. Article 33; Junior Colleges, June 1972 25

E. Format for a Survey and Plan for the Establishment of a Branch Community College 42

F. Criteria for the Establishment of a Branch Community College. 43

G. Format for Survey and Plan 45

INTRODUCTION

Upon reviewing the literature on public two-year institutions of higher education in New Mexico thirty-three studies were identified. This annotated bibliography covers the thirty-one documents which were actually located and reviewed.

The information on two-year institutions is dispersed in the literature in a number of areas. Some of it is found in the general area of literature pertaining to the universities. Other information is found in the area of branch colleges. A third source is the literature dealing with the area of vocational technical education. The last area is the limited area of junior college literature.

This document was prepared in order to identify the written material on the two-year institutions in New Mexico. It was felt important to develop such a bibliography in order to assist further research in this area.

The limitations of this study are: (1) it includes sources on two-year institutions only, (2) it includes material only on institutions in New Mexico, and (3) not all the feasibility studies done for junior colleges were located.

New Mexico has two types of junior colleges or two-year institutions of higher education. The New Mexico Junior College located in Hobbs is the only district junior college. However, nine branch colleges exist in New Mexico as well as the New Mexico Military Institute. For a complete history and description of these institutions see A Review of Public Two-Year Institutions of Higher Education in New Mexico. The branch colleges are under the control of the parent institution's Board

of Regents while the New Mexico Junior College and the New Mexico Military Institute have their own governing boards.

The studies are listed in reverse chronological order, with the latest being listed first.

The reference section at the end of this study lists the complete reference information for each study cited.

STUDIES ON JUNIOR COLLEGES IN NEW MEXICO

This section is included in this study to provide a ready reference for individuals wishing to pursue the study of the junior college question in New Mexico. It is complete within the limitations set out at the beginning of this study. These studies were found to be the most useful in preparing this document. Several of the studies do not relate directly to junior colleges in these instances the sections dealing with junior colleges are identified. The studies are arranged in reverse chronological order.

1974 Community and Junior College Directory

This directory is published yearly by the American Association of Community and Junior Colleges located in Washington, D. C. It lists all community and junior colleges in the United States. It provides such information as: the name of each institution, its location, chief administrative head, phone, the year classes began, the type of control, whether it is a AACJC member, the type of accreditation, programs offered, enrollments for the preceding year, number of faculty and administration as well as the tuition and type of academic year.

It also lists the state administrator for community and junior colleges for each state and the coordinating or governing board for each state. It also lists the states having state-wide associations. It was found that New Mexico does have a New Mexico Community College Association listed. Also that the state administrator is the Assistant Executive Secretary of the BEF. Table 4 in this report was adapted from this directory.

Degrees Conferred by Institutions of Higher Education in New Mexico 1974.

This report is compiled by the BEF yearly and contains data on degrees granted by institutions of higher education for the past twenty-four years. It is compiled from the annual reports of the institution's registrars. The Branch college data is included with their parent institution.

Article 33 Junior Colleges: June 1972

This is a complete copy of the "Junior College Act" passed in 1963. All of the amendments are included. See Appendix D for a copy of this section.

Information on Higher Education in New Mexico: A Report of the Board of Educational Finance

This report was published in March 1974 and contains information on all six public four-year institutions, all five private four-year institutions and the eleven public two-year institutions in New Mexico. The following information is provided: enrollment figures both FTE and head count, average class size, faculty data, faculty rank distribution and the BEF Cost Model.

The Division of Continuing Education and Community Services, History, Direction, Reorganization

This report was written by Dr. Rupert Trujillo, Director of the Continuing Education Division at UNM. It is the yearly report of the division for 1973-74. It contains information on the nine programs of the division. It includes enrollments, shortcomings of the division, and recommendations for improvement plus a reorganizational plan.

According to this report this division provided services to 18,704 students (p. 2) in 1973-74. The majority of these students were not full-time students at the university. It also discusses the Community College within the division. The Community College had an enrollment of 5,226 last year; however, courses offered through the community college are non-credit.

Employment Problems of New Mexico Graduates 1972, A Report to the Governor by the Advisory Committee on Critical Employment Problems Today

This report was issued in 1973. The data presented was collected from three questionnaires. One questionnaire was directed to college graduates of 1972, the second toward employers, and the third to college placement bureaus in New Mexico. The study concluded that 84% of the 6,000 graduates wanted to remain in New Mexico. Also that 2/3 or 66% had not received job offers in New Mexico and that 49% of the graduates had to leave New Mexico to find employment.

A Study of Higher Education in New Mexico: A Report to the Legislature

This study was in answer to House Memorial 19. This Memorial asked ten questions on higher education in New Mexico. It concentrated on the six public four-year institutions and indirectly included the two-year institutions. The report was prepared by the Board of Educational Finance and published in 1971.

It recommended that no new institutions of higher education be established in New Mexico until the population of New Mexico doubled and resources for support become readily available. It also recommended that no additional branch campuses be established until a sustained high school graduating class of 300 in a proposed district was reached and all other criteria of the BEF were met.

Annual Report of the State Commission on Post-Secondary Education: 1973

The State Commission on Post-Secondary Education was established under the amended Higher Education Act of 1965. The Board of Educational Finance was designated by the 1973 legislature to be the state agency in New Mexico. This report is the first published by this commission.

This report contains the results of an inventory of post-secondary education programs available in New Mexico. Problems of high priority were also identified. The report covers: public two-year schools, proprietary schools, other institutions, other training programs and colleges and universities.

This report represents a brief history of each institution of higher edecation.

Junior College Directory 1971-72

This directory was published by the American Association of Junior Colleges. It contains a short summary of the junior colleges in each state. It provides information on statutory provisions for junior colleges in each state along with the history, program, degrees offered, costs, enrollment, faculty and administration for each junior college in the U. S.

Report of the Study-Committee on Unmet Educational Needs in Metropolitan Albuquerque

This report was submitted to the Albuquerque Chamber of Commerce in January 1971. The study committee members included: Ferrel Heady, President, the University of New Mexico; Frank Kleinhenz, President, the University of Albuquerque; Tom Wiley, Superintendent, Albuquerque Public Schools; Louis Saavedra, Vice President, Technical Vocational

Institute; Joe Zanetti, Education Committee, Chamber of Commerce; and Maynard Miller, Education Committee, Chamber of Commerce.

The method used was to survey existing curricula leading to AA degrees in Albuquerque including proprietory schools. Then to match them with categories of offering in two-year colleges according to those which were published by Western Interstate Commission on Higher Education (WICHE, was authoritatively accepted as describing the courses, programs and curriculum usually offered by a Community Junior College).

Conclusions of the report included: (1) minimal duplication in programs and great diversity in two-year and certificate programs, (2) several gaps in academic programming were found especially in the areas of allied health, (3) "a new institution - a community junior college - would absorb many of the programs now being offered by the University of New Mexico, the University of Albuquerque and the Technical Vocation Institute" (p. 5) (this was seen as appressive financially to the institutions), (4) TVI's demands were greater than the ability to provide services, and, (5) U of A's high tuition charges and fees were seen as impeding factors.

The report listed seven factors which impeded or thwarted student entry into existing programs: (1) financial, (2) physical limitations (TVI and UNM did not have facilities), (3) transportation, (4) image (UNM was impersonal, TVI okay for others, and U of A sectarian), (5) lack of information, (6) admission requirements were sometimes higher than for four-year instituions, and (7) low motivation.

Recommendations of this report included: (1) the need for an additional two-year instituion was <u>not</u> established as urgent at that time, (2) a commission or Advisory Committee on Education Beyond Secondary School

be organized, (3) existing institutions of higher education work closely with APS and private secondary schools to educate the high school graduate about opportunities beyond high school, and, (4) enactment of statewide Educational Opportunity District Legislation.

Middle Rio Grande Education Needs Study

This study was conducted by the BEF in 1970. It concluded that it was feasible to establish a junior college in the Bernalillo, Albuquerque, Belen, and Las Lunas areas on a "tuition-free basis." It recommended the formation of a junior college district including these areas. This study also reviews the reasons for students not attending college. Among them was the distance a student lives from a campus.

This is the best documented study on the junior college in New Mexico which was reviewed.

The 4 in 1 Report: Four Branch Community College Feasibility Studies

This report was published in 1969 by the Bureau of Educational Planning and Development at UNM. The purpose of the study was to analyze the feasibility of establishing branch community colleges in Espanola, Los Alamos, and Santa Fe as well as an enlarged region which included these and other communities.

A study was conducted for each community which included variables such as community characteristics, public schools, other educational programs, library services, student profile, financial support, and resources.

The study concluded that one branch college which included the three communities was the most feasible and that it would take 46 months to become operational. As seen previously, the Northern Branch opened its doors in 1973 approximately four years after this study was completed.

A Junior College Feasibility Survey for Bernalillo County, New Mexico

This study was done in 1968. It was conducted by C. C. Colvert of the Associated Consultants in Education, Tallahassee, Florida. The study concluded that it "quite feasible both from the viewpoint of the projected enrollment and from the tax base needed for the educational operation and the bonds, to provide a public junior college for Albuquerque and Bernalillo County (p. 25). The report also recommended that the trade school (TVI) be transferred to the junior college.

A third recommendation was that the trade school buildings be transferred to the junior college. The study added that better still would be that the buildings remain the property of the public schools for expansion and new facilities for trades be constructed on the junior college campus.

Colvert studied the purposes, the economics, population, finances, and control of a future junior college in Albuquerque.

The purposes of such a college would be as follow: (1) to offer technical courses at the two-year college level for high school graduates, (2) to offer vocational courses for the non-high school graduate who is past 18 years of age as well as for the high school graduate, (3) to offer college transfer courses for the first two college years of the bachelor's degree program, a two-year general cultural curriculum could be offered for those not planning on going on to a four-year instituion, (4) to offer the above programs in late afternoon and evening for adults who work during the day. Short courses which include hobbies, cultural improvements, job upgrading and continuing education should also be offered.

Colvert found that the junior college was economically feasible. He also projected that the junior college could have had 4,400 students during

the 1974-75 school year and 5,100 during the 1979-80 school year. The study further recommended that, "the county junior college, of course, should have a separate board of trustees . . . (p. 23)."

Procedures and Materials Used in Establishing the New Mexico Junior College

This voluminous document was compiled by W. G. Donley of Hobbs. It was compiled to assist other communities which wished to establish a community college. The volume includes the procedures which were used in establishing the New Mexico Junior College in Hobbs and is an excellent documentation of community action. This report is located in the Coronado Room of the UNM Library.

An Explanation of the Procedures Used in Establishing the New Mexico Junior College of Lea County.

This is one of the reports included in the Procedures and Materials noted above.

This report outlines the procedures used in establishing the New Mexico Junior College in Hobbs. First a 15-member Steering Committee was organized. Newspaper and radio campaigns were organized. Dr. C. C. Colvert, Director of Division of Junior College Administration of the University of Texas, made a feasibility survey for a junior college in the designated area. A plan was developed and presented to the B.E.F. Petitions were circulated and an election was held.

A Resume of the Problems of Legislation in Creating the Junior College Law for New Mexico

This report is also included in Procedure and Materials. It outlines the major hurdles in the passage of the Junior College Bill. Some of these were: Governor Mechem who vetoed a bill passed by both houses in 1961,

New Mexico State University, Eastern New Mexico University, and New Mexico Highlands University.

History of the Efforts made in New Mexico to Establish a Junior College - From 1951 through 1965 - a 14-Year Period

This report identified the individuals who were instrumental in the passage of the 1963 bill which enabled the establishment of junior colleges in New Mexico. It also traces the legislative history and attempts to pass a junior college bill. In all, 16 bills were introduced.

Junior College Bills Introduced

This report lists all bills dealing with junior colleges introduced from 1951 to 1965. In all 16 bills are listed. This report also includes copies of all of these bills. See Appendix C for a complete list of the bills found in this report.

Format for a Survey and Plan for the Establishment of a Branch Community College

This format was developed by the BEF in 1966. It contains five steps which communities desiring to establish a branch community college should follow. (See Appendix E for a copy of this format.)

Criteria for the Establishment of a Branch Community College

Nine criteria are set forth which the BEF will use to evaluate proposals for the establishment of a branch community college. The criteria is included in Appendix F of this report.

Format for Survey and Plan

This document lists nine areas which must be included in the plan submitted to the BEF for the establishment of a Branch Community College. This document was also compiled in 1966 and is included in Appendix G of this report.

The New Mexico Board of Educational Finance: A Study in the Control of Higher Education

This is Harold W. Lavender's Ph.D. dissertation which was written in 1965. In it he traces the attempts to develop a statewide system of higher education in New Mexico. He also provides a brief history of the six public four-year institutions in New Mexico. Branch colleges and their control are also described.

He studied the operation of the BEF from its creation in 1951 until the time of the study.

Public School Education in New Mexico

This book was written by T. Wiley in 1965. Wiley was a well-known educator in New Mexico for many years. He was considered an expert in the area of public schools in New Mexico especially in the area of control of education. This book does not deal specifically with higher education in New Mexico but was used to obtain a background in the control of public education in New Mexico.

Study of the Junior College Financial and Building Needs of Lea County, New Mexico

This study was conducted by the same man who conducted the 1968 feasibility study for a junior college in Bernalillo County. This survey was required by the BEF in order to establish the New Mexico Junior College at Hobbs. C. C. Colvert concluded that a junior college at Hobbs was feasible and his report was made part of the comprehensive plan submitted to the BEF.

New Mexico Commission on Statewide Higher Education Problems: Final Report to the Board of Educational Finance

This commission was appointed by the BEF in 1962 and made a report in 1964. The report is concerned with the statewide program of public higher education in New Mexico. One of the purposes of the commission was to define the role and pinpoint the responsibilities of leadership of the BEF.

Memorandum to the Legislative Finance Committee

After Senate Bill 35 was rejected in 1959, a Senate Joint Resolution was passed which established an interim committee to study the junior college question. Miss Maralyn Budke conducted this study and made her report to the Legislative Finance Committee on June 29, 1960.

She surveyed 6,206 seniors in high school from all parts of New Mexico in order to find out their ambitions and plans for the future. Of these who responded to the survey, 34.7% responded that they would enroll in a junior college if it were near or in their home town.

The New Mexico Board of Educational Finance: A Study of the Coordination of State-Supported Higher Education

This M.A. thesis was written in 1956 by Edward M. Goldberg and provided much of the material for Lavender's study cited above.

Goldberg traces the legislative history of the BEF from 1919 through 1951 when House Bill 248 was passed and signed into law by Governor Edwin L. Mechen. The bill created the Board of Educational Finance whose functions were: (1) to deal with the problems of finace of those education institutions designated in Sections 11 and 12 of Article XII of the

Constitution of New Mexico, (2) to be concerned with the adequate financing of each of the said institutions and with the equitable distribution of available funds among them, (3) receive, adjust, and approve budgets prior to submission of said budgets to the budget offices of the state.

In his study the title of Chancellor is used synonymously with the title of Executive Secretary of the BEF.

The Government of New Mexico

This book was written in 1953 by T. C. Donnelly, the former President of New Mexico Highlands University at Las Vegas. It gives a brief history of the development of institutions of higher education in New Mexico. He discusses the Rodey Act of 1889 which provided for the establishment of the University at Albuquerque, the Agricultural College at Las Cruces and the School of Mines at Socorro. Also the establishment of the other universities: New Mexico Highlands University, Eastern New Mexico University, Western New Mexico University and the New Mexico Military Institute is discussed.

Public Education in New Mexico: A Report of the New Mexico Educational Survey Board

This book was published by the New Mexico Education Survey Board in 1948. It is also known as the Peabody report since it was conducted by George Peabody, College of Nashville, Tennessee.

All aspects of public education were studied. It recommended a state board of higher education which was similar to the BEF, created three years later. This report gives an excellent history of Eastern New Mexico University and El Rito.

The New Mexico School System

This book was developed by S. P. Nanniga in 1942. It was used as a textbook in the course The Problems of Education in New Mexico. Nanniga was a former Dean of the College of Education at UNM. The book explains the educational system in New Mexico. Chapter I presents an excellent history of education in New Mexico before statehood. Chapter VI deals specifically with higher education in New Mexico. He explains the history, control, support and finances of the six four-year institutions and the New Mexico Military Institute as well as the Spanish American Normal School at El Rito.

Report on the New Mexico State Educational Institutions and the General Education System of New Mexico

This report was perhaps the first written on higher education in New Mexico. It was written in 1921 by W. C. Bagley. He made a study of higher education in New Mexico which took eight days to complete. He visited the following institutions: State Normal School (Las Vegas), University of New Mexico, State School of Mines, State Agricultural College, and the State Normal School at Silver City. His recommendations were as follows: (1) the consolidation of all the higher institutions at Albuquerque under the general designation The University of New Mexico, (2) to unite all of the institutions except the normal schools in a single State University and to unite the three normal schools in a single teacher training institution and (3) a university of New Mexico with three centers: (a) a Northern State College in Las Vegas, (b) a Central State College in Albuquerque, (c) a Southern State College in Las Cruces..

REFERENCES

American Association of Junior Colleges. Junior College Directory. Washington, D. C.: AAJC, 1972.

American Association of Community and Junior Colleges. 1974 Community and Junior College Directory. Washington, D. C.: AACJC, 1974.

Anderson, G. A., Bowman, M. J. & Tinto, V. Where Colleges Are and Who Attends. Berkeley: The Carnegie Commission on Higher Education, 1972.

Bagley, W. C. Report on the New Mexico State Educational Institutions and the General Education System of New Mexico. Santa Fe: The Santa Fe, New Mexico Publishing Corporation, 1921.

Bureau of Educational Planning and Development. The 4 in 1 Report: Four Branch Community College Feasibility Studies. Albuquerque: UNM, 1969.

Board of Educational Finance. Degress Conferred by Institutions in New Mexico. Santa Fe: State of New Mexico, 1974.

Board of Educational Finance. Information on Higher Education in New Mexico: A Report of the Board of Educational Finance. Santa Fe: State of New Mexico, 1974.

Board of Educational Finance. Article 33 Junior Colleges: June 1972. Santa Fe: State of New Mexico, 1972.

Board of Educational Finance. A Study of Higher Education in New Mexico: A Report to the Legislature. Santa Fe: State of New Mexico, 1971.

Board of Educational Finance. Middle Rio Grande Educational Needs Study. Santa Fe: State of New Mexico, 1970.

Board of Educational Finance. Format for a Survey and Plan for the Establishment of a Branch College. Santa Fe: State of New Mexico, 1966.

Board of Educational Finance. Criteria for the Establishment of a Branch Community College. Santa Fe: State of New Mexico, 1966.

Board of Educational Finance. Format for Survey and Plan. Santa Fe: State of New Mexico, 1966.

Board of Educational Finance. New Mexico Commission on Statewide Higher Education Problems, Final Report to the Board of Educational Finance. Santa Fe: State of New Mexico, 1964.

Board of Educational Finance. Degrees Confirmed: State of New Mexico. Board of Educational Finance. Santa Fe: State of New Mexico, 1950.

Budke, M. Memorandum to the Legislative Finance Committee, June 29, 1960. Santa Fe: State of New Mexico, 1960.

Colvert, C. C. A Junior College Feasibility Study for Bernalillo County. Tallahassee: The Associated Consultants in Education, 1968.

Colvert, C. C. A Study of the Junior College Financial and Building Needs of Lea County, New Mexico. Hobbs: Lea County Steering Committee, 1965.

Donley, W. C. Procedures and Material Used in Establishing the New Mexico Junior College. (Unpublished Report) Hobbs, 1965.

Donley, W. C. History of the Efforts Made in New Mexico to Establish a Junior College - From 1951 through 1965 - a 14-Year Period. (Unpublished Report) Hobbs:, 1965.

Donley, W. C. Junior College Bills Introduced. (Unpublished Report) Hobbs;, 1965.

Donley, W. C. A Resume of the Problems of Legislation in Creating the Junior College Law for New Mexico. (Unpublished Report) Hobbs, 1965.

Donley, W. C. An Explanation of the Procedures Used in Establishing the New Mexico Junior College of Lea County. (Unpublished Report) Hobbs, 1965.

Donnelly, T. C. The Government of New Mexico. Albuquerque: The University of New Mexico Press, 1953.

Esquibel, A. A Proposal for a Follow-Up Survey in Nine Public Two-Year Institutions of Higher Education in New Mexico. (A Proposal) Albuquerque: UNM, 1974.

Esquibel, A. A Comparison of Teacher-Student Interaction at a University, a Junior College and Eight Branch Colleges in New Mexico. (A Proposal) Albuquerque: UNM, 1974.

Esquibel, A. Exerpts from a Review of Public Two-Year Institutions of Higher Education in New Mexico. (A Report Prepared for Governor Elect Jerry Apodaca) Albuquerque, 1974.

Goldberg, E. M. The New Mexico Board of Educational Finance: A Study of the Coordination of State-Supported Higher Education. (An Unpublished Thesis) Albuquerque: UNM, 1956.

Heady, F., Kleinhenz, F., Wiley, T., Saavedra, L., Zanetti, J., & Miller, M. Report of the Study Committee on Unmet Educational Needs in Metropolitan Albuquerque. Unpublished report submitted to The Greater Albuquerque Chamber of Commerce: Albuquerque, 1971.

Lavender, H. W. The New Mexico Board of Educational Finance: A Study in the Control of Higher Education. Unpublished Doctoral Dissertation, the University of New Mexico, 1965.

Medsker, L. L. & Tillery, D. Breaking the Access Barriers. Berkeley: The Carnegie Commission on Higher Education, 1971.

Nanninga, S. P. The New Mexico School System. Albuquerque: The University of New Mexico Press, 1942.

New Mexico Education Survey Board. Public Education in New Mexico. Nashville: George Peabody College for Teachers, 1948.

State Commission on Post-Secondary Education. Annual Report of the State Commission on Post-Secondary Education. Santa Fe: State of New Mexico, 1973.

State of New Mexico. Employment Problems of New Mexico Graduates 1972. A Report to the Governor by the Advisory Committee on Critical Employment Issues. Santa Fe: State of New Mexico, 1973.

Trujillo, R. The Division of Continuing Education and Community Services, History, Direction, Reorganization. Unpublished yearly report, University of New Mexico, 1974.

Wiley, T. Public School Education in New Mexico. Albuquerque: The University of New Mexico Press, 1965.

APPENDIXES

CHAPTER 143

AN ACT RELATING TO COLLEGES AND UNIVERSITIES; PROVIDING FOR THE ESTABLISHMENT OF COMMUNITY COLLEGES AS BRANCHES OF EXISTING COLLEGES OR UNIVERSITIES, AND PROVIDING FOR FUNDS AND DISSOLUTION.

HOUSE BILL NO. 325; Approved March 26, 1957

Be It Enacted by the Legislature of the State of New Mexico:

Section 1. Community college educational level for the purpose of this section shall include the first two years of college education, covering the thirteenth and fourteenth year of education.

Section 2. A community college may be established in an area upon showing of need, which shall be determined by a survey conducted either by the municipal or county board of education. Upon determination of the need for a community college the board of education will consult with the board of regents of the higher education institution selected to be the parent institution, and, if the board of education and the board of regents mutually agree to conduct a community college in the area, will transmit a proposal to establish a community college to the State Board of Education upon the approval of the proposal by the state board of education the municipal or county board of education shall notify the board of regents of the selected college or university. The municipal or county board of education and the college or university board of regents shall then meet, prepare and sign necessary agreements governing the conduct of the community college, and determine financial policies for the community college.

Section 3. Upon establishment of a community college, public school facilities are to be made available to the college at such times as will not interfere with the regular program of instruction. No public school funds shall be expended in the program, and the community college shall pay a proper amount for utilities and custodian service.

Section 4. Financing of community colleges shall be by tuition and fees, which shall be set by the board of education and the board of regents, and gifts and grants, and by such other funds as may be made available from time to time.

Section 5. Any community college may be dissolved by either the board of education or the board of regents of the sponsoring institution of higher learning, by giving public notice six months prior to the close of the community college program.

CHAPTER 144

AN ACT RELATING TO LICENSE REQUIRED TO DRILL WATER WELLS AND AMENDING SECTION 75-11-13 NEW MEXICO STATUTES ANNOTATED, 1953 COMPILATION (BEING LAWS 1949, CHAPTER 178, SECTION 1).

HOUSE BILL NO. 353; Approved March 26, 1957

Be It Enacted by the Legislature of the State of New Mexico:

Section 1. Section 75-11-13, New Mexico Statutes Annotated, 1953 Compilation (being Laws of 1949, Chapter 178, Section 1) is amended to read:

"75-11-13. LICENSE REQUIRED TO DRILL WATER WELL FROM "UNDERGROUND SOURCE."—It shall be unlawful for any person, firm or corporation to drill or to begin the drilling of a well for water from an underground stream, channel, artesian basin, reservoir or lake (hereinafter referred to as "underground source") the boundaries of which have been determined and proclaimed by the state engineer of New Mexico to be reasonably ascertainable, without a valid, existing license for the drilling of such wells issued by the state engineer of New Mexico in accordance with the provisions of this act, and the rules and regulations promulgated by him in pursuance hereof. Such licenses shall not be required for the construction of a driven well; provided, that the casing for such well shall not exceed two and three-eighths inches outside diameter."

CHAPTER 162

AN ACT RELATING TO COMMUNITY COLLEGES; AMENDING SECTIONS 73-30-17, 73-30-19 AND 73-30-20 NEW MEXICO STATUTES ANNOTATED, 1953 COMPILATION (BEING LAWS 1957, CHAPTER 143, SECTIONS 1, 3 AND 4); REPEALING SECTIONS 73-30-18 AND 73-30-21 NEW MEXICO STATUTES ANNOTATED, 1953 COMPILATION (BEING LAWS 1957, CHAPTER 143, SECTIONS 2 AND 5); AND ENACTING NEW SECTIONS 73-30-18, 73-30-21 THROUGH 73-30-25 NEW MEXICO STATUTES ANNOTATED, 1953 COMPILATION.

SENATE BILL NO. 132; Approved March 15, 1963

Be It Enacted by the Legislature of the State of New Mexico:

Section 1. Section 73-30-17 New Mexico Statutes Annotated, 1953 Compilation (being Laws 1957, Chapter 143, Section 1) is amended to read:

"73-30-17. BRANCH COMMUNITY COLLEGE EDUCATIONAL LEVEL DEFINED.—Branch community college educational level for the purposes of Sections 73-30-17 through 73-30-25 New Mexico Statutes Annotated, 1953 Compilation includes the first two years of college education, covering the thirteenth and fourteenth year of education."

Section 2. Section 73-30-18 New Mexico Statutes Annotated (being Laws 1957, Chapter 143, Section 2) is repealed and a new Section 73-30-18 is enacted to read:

"73-30-18. ESTABLISHMENT AUTHORIZED—BOARD — DETERMINATION OF NEED — AGREEMENTS.—

A. A branch community college may be established in a school district upon the showing of need by the local board of education; or a branch community college may be established to include more than one school district, in which instance the boards of education shall act as a single board, and if the branch community college is established, shall continue to act as a single board. As used in Sections 73-30-17 through 73-30-25 New Mexico Statutes Annotated, 1953 Compilation, "board" means the local board of education, or the combined local boards of education acting as a single board, of the school district.

B. The duties of the board are to:

(1) initiate and conduct the survey;

(2) select the parent institution;

(3) request approval of the branch community college from the board of educational finance;

(4) enter into written agreements with the board of regents of the parent institution selected;

(5) act in an advisory capacity to the board of regents in all matters relating to the conduct of the branch college;

(6) approve an annual budget for the branch community college for recommendation to the board of regents of the parents institution;

(7) certify to the county commissioners the tax levy; and

(8) conduct the election for tax levies for the branch community college.

C. Upon evidence of a demand for a branch community college the board shall cause a survey to be made. The board of educational finance shall develop criteria for the establishment of a branch community college and no branch community college shall be established without the written authorization of the board of educational finance.

D. If need is established, the board, in accordance with the board of educational finance criteria for initiating a branch community college program, shall consult with the board of regents of the higher education institution selected to be the parent institution, and, if the board and the board of regents agree to conduct a branch community college in the area, they shall transmit a proposal to establish a branch community college to the board of educational finance. The board of educational finance shall evaluate the need and shall notify the board and the board of regents of approval or disapproval of the proposal.

E. If the proposal is approved, the board and the board of regents shall then enter into a written agreement which shall include provisions for:

(1) the higher education institution to have full authority and responsibility in relation to all academic matters;

(2) the higher education institution to honor all credits earned by students as though they were earned on the parent campus;

(3) the course of study and program offered;

(4) the cooperative use of physical facilities and teaching staff;

(5) provided that applications of local, qualified people shall be considered before employing teachers of the local school system; and

(6) the detailed agreement of financing and financial control of the branch community college.

F. The agreement shall be binding upon both the board and the board of regents; however, it may be terminated by either board by mutual consent, or it may be terminated by either board upon six months notice."

Section 3. Section 73-30-19 New Mexico Statutes Annotated, 1953 Compilation (being Laws 1957, Chapter 143, Section 3) is amended to read:

"73-30-19. AVAILABILITY OF SCHOOL FACILITIES—USE OF OTHER FACILITIES.—Upon establishment of a branch community college, public school facilities are to be made available to the college if needed, and in such manner as will not interfere with the regular program of instruction. No public school funds shall be expended in the program, and the branch community college shall pay a proper amount for utilities and custodian service. The board may arrange for the use of available facilities other than public school facilities if approved by the board of regents."

Section 4. Section 73-30-20 New Mexico Statutes Annotated, 1953 Compilation (being Laws 1957, Chapter 143, Section 4) is amended to read:

"73-30-20. FINANCING OF BRANCH COMMUNITY COLLEGES.—Financing of branch community colleges shall be by tuition and fees, which shall be set by the board of regents, and by gifts and grants, and by other funds as may be made available, except as otherwise provided in Sections 73-30-17 through 73-30-25 New Mexico Statutes Annotated, 1953 Compilation."

Section 5. Section 73-30-21 New Mexico Statutes Annotated, 1953 Compilation (being Laws 1957, Chapter 143, Section 5) is repealed and a new Section 73-30-21 is enacted to read:

"73-30-21. TAX LEVIES AUTHORIZED.—

A. The board may levy and collect a tax annually against the property in the school district or districts comprising the branch community college district, for the purpose of operating, maintaining and providing facilities for the branch community college. The annual amount levied shall not be in excess of one hundred dollars ($100) for a full time equivalent student.

B. For the first year of operation the board shall estimate the full time equivalent student population, thereafter the previous year's full time equivalent student population shall be used for taxing purposes.

C. In the event the amount necessary to be raised for such purposes exceeds in any year the constitutional limit of twenty mills for all other purposes in the district, or districts, the question of levying additional taxes, over and above the limitation for the support of the branch community college shall be submitted to the electors and voted upon as a separate question at the next subsequent general election. The election upon the question shall be called, handled, conducted and canvassed in substantially the same manner as is provided by law."

Section 6. A new Section 73-30-22 New Mexico Statutes Annotated, 1953 Compilation is enacted to read:

"73-30-22. ELECTION ON SPECIAL LEVY.—If the electors vote in favor of the special levy, it shall become effective in the following taxable year and each year thereafter unless the branch community college district is dissolved."

Section 7. A new Section 73-30-23 New Mexico Statutes Annotated, 1953 Compilation is enacted to read:

"73-30-23. STATE SUPPORT.—The board of educational finance shall approve an appropriation request for the branch community college. The request shall be included in the budget request of the parent institution and shall be for the purpose of operating, maintaining and providing facilities for the branch community college. An amount not to exceed three hundred dollars ($300) for each full time equivalent student may be budgeted for each branch community college. For the first year of operation, the board of regents shall estimate the full time equivalent student population, thereafter the previous year's full time equivalent student population shall be used."

Section 8. A new Section 73-30-24 New Mexico Statutes Annotated, 1953 Compilation is enacted to read:

"73-30-24. APPLICABILITY OF OTHER LAWS.—Any law concerning public schools and any law concerning the higher education institution shall, when applicable, govern the operation and conduct of the branch community college."

Section 9. A new Section 73-30-25 New Mexico Statutes Annotated, 1953 Compilation is enacted to read:

"73-30-25. DESIGNATION OF BRANCH COMMUNITY COLLEGE.—Any community college shall be designated as a branch of the respective higher education institution."

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CHAPTER 163

AN ACT RELATING TO RESPONSIBILITY OF OWNER OR OPERATOR OF MOTOR VEHICLES; PROVIDING FOR PROOF OF FINANCIAL RESPONSIBILITY AND DEPOSIT OF SECURITY; AND AMENDING SECTIONS 64-24-45, 64-24-50, 64-24-53, 64-24-55 THROUGH 64-24-57 AND 64-24-100 NEW MEXICO STATUTES ANNOTATED, 1953 COMPILATION (BEING LAWS 1955, CHAPTER 182, SECTIONS 201, 206, 209, 211 THROUGH 213, AND 402).

SENATE BILL NO. 137; Approved March 16, 1963

Be It Enacted by the Legislature of the State of New Mexico:

Section 1. Section 64-24-45 New Mexico Statutes Annotated, 1953 Compilation (being Laws 1955, Chapter 182, Section 201) is amended to read:

"64-24-45. APPLICATION OF ARTICLE II.—The provisions of this act, requiring deposit of security and filing of proof of financial responsibility and suspensions for failure to deposit security, or file proof of financial responsibility, subject to certain exemptions, shall apply to the driver and owner of any vehicle, of a type subject to registration under the motor vehicle laws of this state, which is in any manner involved in an accident within this state, which accident has resulted in bodily injury to, or death of, any person, or damage to the property of any one person in excess of one hundred dollars ($100)."

Section 2. Section 64-24-50 New Mexico Statutes Annotated, 1953 Compilation (being Laws 1955, Chapter 182, Section 206) is amended to read:

"64-24-50. FAILURE TO DEPOSIT SECURITY AND FILE PROOF OF FINANCIAL RESPONSIBILITY — SUSPENSIONS.—In the event that any person required to deposit security under this act fails to deposit such security within ten days after the division has sent the notice as hereinbefore provided, and file proof of financial responsibility the division shall thereupon suspend:

A. the license of each driver in any manner involved in the accident;

JUNIOR COLLEGE BILLS INTRODUCED

20th Legislature (1951):

Senate Bill No. 217--Sen. John Morrow--Died in the Senate

21st Legislature (1953):

Senate Bill No. 47--Sen. John Morrow--House Education and Public Institutions Committee Substitute for Senate Bill No. 47--Killed in the House

22nd Legislature (1955):

Senate Bill No. 92--Sen. John Morrow--Died in the House Taxation Committee

23rd Legislature (1957):

House Bill No. 115--Rep. Morgan Nelson--House Education Committee do not pass adopted

House Bill No. 240--Rep. Lemuel Costello--House Education Committee do not pass adopted

House Bill No. 325--Rep. James Patton--Passed both houses and signed by the governor (Laws 1957, Chapter 143, Sections 1 to 5)

Senate Bill No. 264--Sen. Earl Hartley--Senate Education Committee do not pass adopted

Senate Bill No. 412--Sen. Jesse Richardson--Tabled Indefinitely

24th Legislature (1959):

Senate Bill No. 35--Sen. Earl Hartley--Senate Committee do not pass adopted

Senate Joint Resolution No. 13--Sen. I. M. Smalley--Passed both houses--Established an interim committee to study junior college question

25th Legislature (1961):

House Bill No. 55--Rep. Morgan Nelson--Passed both houses but vetoed by the governor

26th Legislature (1963):

House Bill No. 130--Rep. Albert Lebeck--Passed both houses and signed by governor (Laws 1963, Chapter 17, Sections 1 to 18)

Senate Bill No. 132--Sen. James Patton--Passed both houses and signed by the governor (Laws 1963, Chapter 162, Sections 1 to 9)

27th Legislature (1965):

House Bill No. 464--Rep. Finis Heidel--House Judiciary Committee Substitute for House Bill No. 464--Passed both houses and signed by the governor (Laws 1965, Chapter 277, Sections 1 to 3)

26th Legislature (1964 Special Session):

House Bill No. 10--Rep. Austin Roberts--Senate Education Committee Substitute For House Bill No. 10--Passed both houses and signed by the governor (Laws 1964 (S.S.), Chapter 16, Sections 1 to 16)

ARTICLE 33

JUNIOR COLLEGES

Section 73-33-1. Short title.
73-33-2. Definitions.
73-33-3. Purpose.
73-33-4. Junior college districts — Formation.
73-33-4.1. State board to conduct feasibility survey.
73-33-5. Notice and conduct of junior college district referendum election.
73-33-6. Form of ballot for referendum election.
73-33-7. Junior college board.
73-33-8. Junior college board meetings.
73-33-9. Board duties.
73-33-10. Standards and accrediting of junior colleges.
73-33-11. Titles awarded.
73-33-12. Per diem — Mileage.
73-33-13. Junior college district bonds — Interest — Form — Payment
73-33-13.1. Payment of bonds — Bond provisions
73-33-13.2. Validation of junior college bonds.
73-33-14. Special tax levy for junior college operation.
73-33-14.1. Procedure for elections.
73-33-14.2. Enrollment defined — Payments — Appropriations
73-33-15. Sharing of facilities.
73-33-16. Addition of school districts to existing junior college districts.
73-33-17. Transportation system.
73-33-18. Dissolution of junior college districts.
73-33-19. Refunding bonds of junior college districts.
73-33-20. Liberal construction.

73-33-1. Short title. — This act (73-33-1 to 73-33-20) shall be known as the "Junior College Act."

History: Laws 1963, ch. 17, § 1.

Title of Act.

An act relating to junior colleges; providing for the creation, financing, supervision and dissolution of junior college districts; and prescribing the powers and functions of junior colleges. — Laws 1963, ch. 17.

Comparable Provisions.

Arizona Rev. Stat. Ann., §§ 15-601 to 15-633, 15-651 to 15-696.20.

California Educ. Code §§ 2551 to 2791, 23600 to 25350.

Colorado Rev. Stat. Ann., §§ 123-23-1 to 123-23-54.

Oklahoma Stat. Ann., Tit. 70, §§ 2201 to 2212, 3701 to 3706, 4201 to 4204.

Tex. Rev. Civ. Stat., Arts. 2815h to 2815s-1.

A. "junior college" means a public educational institution which shall provide not to exceed two (2) years of training in the arts, sciences and humanities beyond the twelfth grade of the public high school curriculum; or in lieu of such training or in addition thereto, not to exceed two (2) years of a vocational and technical curriculum and appropriate courses of study for persons who may or may not have completed the twelfth grade of public high school;

B. "junior college district" means a district wherein a junior college is located or proposed to be created, and such district shall be composed of the territory of one (1) or more school districts of the state of New Mexico. For the purposes relating junior college districts to existing law, junior college districts and the junior college thereof:

(1) shall not be considered a part of the uniform system of free public schools persuant to Article 12, section 1 and Article 21, section 4 of the New Mexico Constitution;

(2) shall act benefit from the permanent school fund and from the current school fund under Article 12, sections 2 and 4 of the New Mexico Constitution;

(3) shall not be subject to the control, management and direction of the state board of education under Article 12, section 6 of the New Mexico Constitution;

(4) shall not be considered a school district for the purposes of a uniform system of textbooks for the public schools as prescribed in Article 20, section 17 of the New Mexico Constitution; and

(5) shall not be considered school districts in so far as the restrictions of Article 9, section 11 of the New Mexico Constitution is concern d;

C. "secretary" means the executive secretary of the board of educatio. al finance;

D. 'full-time student equivalent" means the equivalent number of students taking sixteen (16) credit hours per semester;

E. ' state board" means the state board of educational finance; and who is an owner of real estate within the junior college district.

F. "qualified elector" means a person otherwise eligible to vote and who is an owner of real estate within the junior college district.

History: Laws 1963, ch. 17, § 2; 1964 (1st S.S.), ch. 16, § 1.

Title of Act.

An act relating to junior colleges; clarifying the method and procedure for the creation and financing of junior college districts; amending sections 73-33-2, 73-33-7, 73-33-16, 73-33-17 and 73-33-18 New Mexico Statutes Annotated, 1953 Compilation (being Laws 1963, chapter 17, sections 2, 7, 16, 17 and 18); repealing sections 73-33-4 through 73-33-6, 73-33-13 and 73-33-14 New Mexico Statutes Annotated, 1953 Compilation (being Laws 1963, chapter 17, sections 4 through 6, 13 and 14); and enacting new sections 73-33-4, 73-33-4.1, 73-33-5, 73-33-6, 73-33-13, 73-33-13.1, 73-33-14, 73-33-14.1 and 73-33-19 New Mexico Statutes Annotated, 1953 Compilation. ——Laws 1964 (1st S. S.), ch. 16.

Amendment.

The 1964 amendment designated former subsections B, C and D as subsections C, D and E and added present subsections B and F.

Constitutionality.

The provisions of subsection F of this section, subsection B of 73-33-4 and subsection A of 73-33-5 that a qualified elector is required to be an owner of real estate within the junior college district, do not violate Const., art. VII, § which applies only to the election of public officers. Daniels v. Watson, 75 N. M. 661, 410 P. 2d 193, 196, 197.

Construction.

Under subsection B of this section it appears to be plainly manifest that the

legislature did not intend junior college districts to come within the general school system. Daniels v. Watson, 75 N. M. 661, 410 P. 2d 193, 197.

A junior college district is not a school district within the meaning of Const., art. IX, § 11. Daniels v. Wat 75 N. M. 661, 410 P. 2d 193, 197.

73-33-3. Purpose.—The purpose of the Junior College Act (73-33-1 to 73-33-20) is to provide for the creation of local junior colleges and to extend the privilege of a basic vocational, technological or higher education to all persons who are qualified to pursue the courses of study offered. Provided further, however, that it is the intent of this legislation not to call upon future legislatures for state financial help.

History: Laws 1963, ch. 17, § 3.

73-33-4. Junior college district—Formation.—A. Petitions for the organization of a junior college district shall designate the name of the proposed junior college and with particularity the proposed territorial area to be included within the district. The proposed district shall comprise and be concurrent with the territorial areas of one (1) or more existing public school districts in one (1) or more counties, other than that area comprising another junior college district. Provided, however, that the territorial area encompassed by any proposed junior college district shall in all cases be continguous.

B. The petition calling for the organization of a junior college district shall be signed by qualified electors, residents of the area of each school district involved, in a number equal or in excess of ten per cent (10%) of the votes cast for governor in the last preceding general election in each school district within the area of the junior college district. For the purpose of determining the vote cast in such district for governor in the last preceding general election, any portion of a voting division within any affected school district shall be construed to be wholly within such proposed junior college district.

History: C. 1953, § 73-33-4 enacted by Laws 1964 (1st S. S.), ch. 16, § 2.

Compiler's Notes.

Laws 1964 (1st S. S.), ch. 16, § 2 repealed old section 73-33-4 (Laws 1963, ch. 17, § 4) and enacted a new section 73-33-4.

Constitutionality.

The authorization to form a junior college district by a petition method is neither an unlawful delegation of legislative power in violation of Const., art. III, § 1, nor a violation of the separation of powers under Const., art. IV, § 1. Daniels v. Watson, 75 N. M. 661, 410 P. 2d 193, 197.

The provisions of subsection B of this section that only qualified elector may petition for organization of junior college district and subsection F of 73-33-2 requiring qualified electors to be owners of real estate within the junior college district do not violate Const., art. VII, § 1 which applies only to the election of public officers. Daniels v. Watson, 75 N. M. 661, 410 P. 2d 193, 196, 197.

"73-33-4.1. STATE BOARD TO CONDUCT FEASIBILITY SURVEY.—The petition calling for the formation and organization of the proposed junior college district shall be filed with the state board, which shall immediately cause a survey to be made of the proposed junior college district to determine the need for the proposed junior college and the prospects for its adequate support. The state board shall approve the petition and call an election for the establishment of the proposed junior college district if, on the basis of the survey, it finds:

criteria which it shall establish;

B. the existence of adequate school population and other factors indicate the proposed junior college will serve an enrollment of at least two hundred and fifty full-time student equivalent;

C. the financial position of the proposed junior college district is adequate to provide the necessary supporting funds for current operations, and the necessary capital outlay for physical plant and equipment; and

D. a comprehensive plan has been formulated showing:

(1) the projected enrollment for the next ten years;

(2) a general plan for buildings for the immediate proposed construction and for future expansion for the next ten years;

(3) a plan for the practical and efficient use of the buildings by the local public school unit and suitable arrangements for financial compensation for all public school districts within the junior college district in the event the junior college is dissolved;

(4) a transportation plan that sets forth a proposed method of transportation from all parts of the district; and

(5) a proposed budget for the first two years of operation."

History: C. 1953, § 73-33-4.1 enacted by Laws 1964 (1st S. S.), ch. 16, § 3.

73-33-5. Notice and conduct of junior college district referendum election.—A. Upon formal written approval by the state board of the petition for the establishment of a junior college district, the state board shall set a date for a referendum election upon the issue of whether such proposed junior college district shall be organized. Only qualified electors of the district shall be eligible to vote at such elections.

B. The election upon the issue of whether or not the proposed junior college district will be organized shall be conducted and canvassed by all of the existing local school boards within the proposed junior college district, acting jointly and in the same manner as elections for municipal school board members are carried out, unless otherwise specifically provided in the Junior College Act (73-33-1 to 73-33-20).

C. Election officials shall count the votes cast and as soon as all the ballots have been counted, they shall make out a certificate containing their signatures certifying the total number of votes cast and the number cast for the organization of the junior college district and the number cast against such proposal within the area of each school district in the junior college district.

D. The certification of the total number of votes for or against such proposed junior college district together with all ballots shall be sent, under seal, immediately by the local election officials to the secretary. As soon as all the returns are received the secretary shall proceed to open them and determine the result of the election.

E. In the event a majority of the qualified electors voting on the issue in the area of each school district within the boundaries of the junior college district shall not approve the creation of such junior college district, the proposal shall fail and no election upon the creation of a district encompassing the area of a school district wherein the voters did not approve such creation shall be held within two (2) years of such date.

F. A junior college district shall be declared created by the state board when a majority of the qualified electors voting on the issue in the area of each school district within the boundaries of the junior college district are certified by the state board to have voted in favor of

establishing such junior college district and the number of votes cast in favor of the creation of the junior college district in the area of each school district within the junior college district is at least as many as fifteen per cent (15%) of the number of votes cast for governor in the last general election in the voting divisions wholly or partially within the area of each school district within the junior college district.

History: C. 1953, § 73-33-5 enacted by Laws 1964 (1st S. S.), ch. 16, § 4; Laws 1965, ch. 277, § 1.

Compiler's Notes.

Laws 1964, (1st S. S.), ch. 16, § 4 repealed old section 73-33-5 (Laws 1963, ch. 17, § 5) and enacted a new section 73-33-5.

Title of Act.

An act relating to junior colleges and amending sections 73-33-5, 73-33-7 and 73-33-14 New Mexico Statutes Annotated, 1953 Compilation (being Laws 1964 (S. S.-1), chapter 16, section 4, Laws 1963, chapter 17, section 7, and Laws 1964 (S. S.-1), chapter 16, section 9, as amended).—Laws 1965, ch. 277.

Amendment.

The 1965 amendment deleted a former subsection C which provided that the counties pay the cost of conducting an election on the question of the formation of a junior college district and redesignated former subsections D through G as present subsections C through F.

Constitutionality.

The provisions of subsection A of this section that only qualified electors shall be eligible to vote at junior college district referendum and subsection F of 73-33-2 requiring qualified electors to be owners of real estate within the junior college district do not violate Const., art. VII, § 1 which applies only to the election of public officers. Daniels v. Watson, 75 N. M. 661, 410 P. 2d 193, 196, 197.

73-33-6. Form of ballot for referendum election.—The form of the ballots for the creation of a junior college district shall be printed and appear in substantially the following manner:

BALLOT

On the question of the formation of_____ Junior College District.

(Place "X" in one of the boxes below)

For the creation of the Junior College District----------

Against the creation of the Junior College District----------

History: C. 1953, § 73-33-6 enacted by Laws 1964 (1st S. S.), ch. 16, § 5.

Compiler's Notes.

Laws 1964 (1st S. S.), ch. 16, § 5 repealed old section 73-33-6 (Laws 1963, ch. 17, § 6) and enacted a new section 73-33-6.

73-33-7. Junior college board.—A. If it shall appear from the records in the secretary's office that the required majority of votes were cast in favor of the organization of the junior college district, then the secretary shall declare the organization of the "_____ Junior College District." The secretary shall notify, by registered mail, all boards of education within the junior college district of the results of the election, and shall call a meeting of the members of the boards of education, which shall be held at a time and site, within the junior college district, selected by the secretary not later than sixty (60) days after the election. The secretary or his appointed delegate shall act as

chairman pro tempore of the meeting, and a majority of the members of the boards of education so notified shall constitute a quorum.

B. A majority of all board of education members present shall then proceed to elect five (5) persons as members of the "_____ Junior College Board." The persons elected shall be assigned position numbers one (1) through five (5). Board members shall be over twenty-one (21) years of age, qualified electors and residents of the junior college district. The members of the board shall continue to serve until the next regular junior college election, to be held on the first Tuesday of March of each odd-numbered year, at which time five (5) board members shall be elected by the registered voters of the junior college district. The candidates shall file for and be elected to a particular position number. The candidate receiving the highest number of votes for a particular position shall be elected. At the first junior college board meeting after the election, the five (5) members shall draw lots for the following terms: one (1) for a term of two (2) years, two (2) for a term of four (4) years and two (2) for a term of six (6) years. Thereafter, board members shall be elected for a term of six (6) years from April 1 succeeding their election. All vacancies caused in any other manner than by the expiration of the term of office shall be filled by appointment by the remaining members.

C. Immediately after the election of the five (5) members by the assembled board of education members, the "_____Junior College Board" shall select from its members a chairman and secretary who shall serve in these offices until the next regular junior college board election. After each "_____Junior College Board" election, the members shall proceed to reorganize.

History: Laws 1963, ch. 17, § 7; 1964 (1st S. S.), ch. 16, § 6; 1965, ch. 277, § 2.

Amendments.

The 1964 amendment, in subsection A, substituted "required majority of votes were cast" for "majority of votes cast were" and deleted "proposed" preceding "junior college district, then" in the first sentence, substituted "junior college district" for "community district" following "boards of education within the" in the second sentence, and added "and a majority * * * constitute a quorum" at the end of the third sentence; in subsection B, substituted "A majority of all board of education members present" for "The assembled school directors" at the beginning, added the present second, fifth and sixth sentences, substituted the present third and fourth sentences for former sentences which read: "Board members shall be over twenty-one years of age with not less than one residing in each school district, except when there are more than five districts represented, then no school district shall have more than one member residing in that district. The members of the board shall continue to serve until the next regular school election at which time five board members shall be elected"; in subsection C, substituted "board of education members" for "school directors" following "assembled" in the first sentence; and made numerous changes in punctuation throughout.

The 1965 amendment, in subsection B, deleted "with not less than one residing in the area of each school district, except when there are more than five district areas represented, then no school district area shall have more than one member residing in that district" at the end of the third sentence, substituted "first Tuesday of March" for "second Tuesday of February" in the fourth sentence, substituted "registered voters" "electors" near the end of the fourth sentence, and substituted "April 1" for "March 1" near the end of the eighth

sentence; and in subsection C, substituted "junior college board election" for "school election" at the end of the first sentence.

Qualifications of Board Members.

Junior college board members are not public officers within the meaning of Const., art. VII, §§ 1, 2 so as to restrict legislature in fixing qualifications of such board members. Daniels v. Watson, 75 N. M. 661, 410 P. 2d 193, 196.

Qualifications of Board Members—Residence.

The residence requirement for junior college board members does not violate Const., art. V, § 13 or art. VII, §§ 1, Daniels v. Watson, 75 N. M. 661, 410 P. 2d 193, 196.

73-33-8. Junior college board meetings.—Regular meetings of the junior college board shall be held on the first Saturday of March, June, September and December of each year. Special meetings may be held upon call of the chairman or a majority of the board. The secretary of the board shall notify members of the time and place of each meeting and all notices shall be mailed to each board member at least ten (10) days prior to the date of the meeting. Upon agreement of all the members of the board, however, the period of notice of the meeting may be shortened or waived.

History: Laws 1963, ch. 17, § 8.

73-33-9. Board duties.—A. It shall be the duty of the junior college board to determine financial and educational policies of the college. The board shall provide for the management of the junior college and execution of these policies by selecting a competent president for the college, and upon his recommendation shall employ other administrative personnel, instructional staff, or other personnel, as may be needed, for the operation, maintenance, and administration of the college.

B. The college board shall have the power to fix tuition and fee rates for resident and nonresident students of the district, to accept gifts, to accept federal aid, to purchase, hold, sell, and rent property and equipment, and to promote the general welfare of the institution for the best interest of educational service to the people of the junior college district.

History: Laws 1963, ch. 17, § 9.

Opinions of Attorney General.

1965-66, No. 65-195.

73-33-10. Standards and accrediting of junior colleges.— A. The state board shall, in conjunction with the junior college board, prescribe the course of study for the junior colleges established pursuant to the Junior College Act of 1963 (73-33-1 to 73-33-20), and shall define official standards of excellence in all matters relating to the administration, course of study, and quality of instruction, except that the prescribed standards may not be less in quality or quantity than those prescribed for other state institutions of higher learning by the regional accrediting agency which accredits other colleges and universities of the state.

B. The junior college board may elect to affiliate with the board of regents of a higher educational institution. Upon mutual agreement by the board of regents and junior college board, the board of regents shall exercise all powers given the state board under this section 10 and the president of the higher educational institution shall exercise the powers of the secretary under this section 10 for the term of the agreement. No agreement shall be for less than 5 years and shall be noncancelable except by mutual consent.

requirement of reports prescribed by him, each junior college created pursuant to the Junior College Act of 1963. The inspection or investigation by report shall be conducted upon the facilities and program of each junior college, to determine the extent of compliance with the rules and regulations promulgated by the state board. A report of each inspection or final investigation by report shall be made to the state board.

D. In the event of any serious deviation from established practices and procedures, or any defects that impair the quality of the instructional program in any junior college created pursuant to the provisions of the Junior College Act of 1963, the state board will first call these to the attention of the president of the college and the board of the college.

E. In the case of repeated failure to meet the specified standards, the state board may take action discontinuing the approval of any junior college so delinquent. Upon a showing that the unsatisfactory conditions have been remedied, the state board may reinstate its approval of a disapproved junior college.

History: Laws 1963, ch. 17, § 10.

73-33-11. Titles awarded.—The board of any junior college may award the appropriate degree upon the completion of a curriculum organized for the purpose and approved by the state board. The associate title may be awarded only to students as recommended by the faculty and chief academic administrative officer of the college as having completed satisfactorily the prescribed course of study.

History: Laws 1963, ch. 17, § 11.

73-33-12. Per diem—Mileage.—Members of the junior college board shall, for attendance at meetings of the board, receive traveling expenses to and from meetings at the rate set by law for state employees, for each mile traveled by the shortest usually traveled route from their homes to the place of the meeting.

History: Laws 1963, ch. 17, § 12.

Cross-References.
Per diem and mileage of state officers 5-10-1 et seq.

73-33-13. Junior college district bonds—Interest—Form—Payment. —A. Any junior college board may borrow money for the purpose of erecting and furnishing, construction, purchasing, remodeling and equipping buildings and utility facilties or purchasing grounds, exclusive of dormitories and stadiums. To carry out the purposes of the Junior College Act (73-33-1 to 73-33-20), the board may issue negotiable coupon general obligation bonds of the district, if approved by the state board and then approved at an election by a majority of the qualified electors voting on the issue; Provided, however, no bonds shall be issued which shall create a total bonded indebtedness in the district in excess of three per cent (3%) of the assessed valuation of the taxable property within the junior college district as shown in the preceding general assessment, which said debt limitation is to be in excess of other existing debt limitations. Bonds shall be sold at a price which does not result in an actual net interest cost to maturity, computed on the basis of

The bonds shall be sold and may be in such denominations as the board determines, and the bonds and the attached coupons shall be payable to the bearer but may also be made registrable as to principal, or registrable as to principal and interest.

B. The bonds shall be due and payable serially, either annually or semiannually commencing not later than three (3) years from their date. Such bonds shall be issued for a term of not less than five (5) nor more than twenty (20) years. The form and terms of the bonds, including provisions for their payment and redemption, shall be as determined by the board. If the board so determines, the bonds may be redeemable prior to maturity upon payment of a premium, not exceeding three per cent (3%) of the principal thereof. The bonds shall be executed in the name of, and on behalf of, the district and signed by the chairman of the board, with the seal of the junior college district affixed thereto, and attested by the secretary of the board. Such bonds may be executed and sealed in accordance with the provisions of the Uniform Facsimile Signature of Public Officials Act (5-9-1 to 5-9-6). Interest coupons shall bear the original or facsimile signature of the chairman of the board.

C. To provide for the payment of the interest and principal of the bonds issued and sold pursuant to the provisions of the Junior College Act, upon approval of such bonds at an election by a majority of the qualified electors in such junior college district who voted on the issue, the county commissioners shall annually make and levy, during each year in which any of said bonds are outstanding, an ad valorem tax on all taxable property in the district in an amount sufficient to produce a sum equal to one (1) year's interest on all bonds then outstanding, together with an amount sufficient to pay the principal of all bonds as they mature. This levy shall not exceed five (5) mills, Provided, however, that this five-mill (5) limitation may be exceeded in any year in which the valuation of the property within the junior college district declines to a level lower than the valuation of such property in the year in which the bonds were issued. The taxes hereby authorized shall be levied, assessed and collected at the times and in the manner that ad valorem taxes for school districts are assessed, levied and collected and it shall be the duty of all tax officials and authorities to cause such taxes to be levied, assessed and collected.

D. The proceeds obtained from the issuance of such bonds shall not be diverted or expended for any purposes other than those provided herein; Provided that no building shall be built without prior approval of detailed plans by the state board, and further Provided that the expenses incurred in the preparation and sale of the bonds may be paid out of the proceeds from the sale of said bonds.

E. Prior to the issuance and sale of such bonds, the attorney general shall approve all such bond transcripts and certify his approval or rejection thereof in the same manner as is required by law for the approval of school bonds. Unless otherwise specifically provided, the provisions of the Junior College Act for the issuance of bonds shall be deemed exclusive of the provisions of all other laws.

Laws 1964 (1st S. S.), ch. 16, (§) 7 repealed old section 73-33-13 (Laws 1963, ch. 17, (§) 13) and enacted a new section 73-33-13.

Title of Act.

An act relating to junior colleges; providing for bonds and the validation thereof; amending sections 73-33-13 and 73-33-13.1 New Mexico Statutes Annotated, 1953 Compilation (being Laws 1964 (1st S. S.), chapter 16, sections 7 and 8); and declaring an emergency.—Laws 1966, ch. 3.

Amendment.

The 1966 amendment substituted "The bonds shall be due and payable serially, either annually or semiannually" for "The bonds shall be payable semiannually and shall be due and payable serially, either annually or semiannually" before "commencing" at the beginning of subsection B, and made minor changes in phraseology and punctuation.

Constitutionality.

The Junior College Act (73-33-1 to 73-33-20) was not void for indefiniteness as to retirement of bonds and payment of interest because subsection C of this section provided for a maximum annual tax levy of not more than five mills while 73-33-13.1, prior to 1966 amendment, provided for levy of taxes without limitation since under this section the five-mill limitation could be exceeded in any year that the property valuation in the district declined to a lower level than in the year bonds were issued. Daniels v. Watson, 75 N. M. 661, 410 P. 2d 193, 199 (dissenting opinion 75 N. M. 661, 410 P. 2d 193, 199).

The provision of subsection E of this section authorizing the attorney general to disapprove junior college district bonds does not violate Const., art. IV, (§) 18 as legislation by reference. Daniels v. Watson, 75 N. M. 661, 410 P. 2d 198.

Construction.

Under subsection B, prior to 1966 amendment, the legislative intent was to provide that junior college district bonds should be payable semiannually. Daniels v. Watson, 75 N. M. 661, 410 P. 2d 198.

73-33-13.1. Payment of bonds—Bond provisions.—A. The principal of and interest on general obligation bonds herein authorized to be issued, and any prior redemption premiums, shall be payable from the proceeds of general property taxes levied without limitation as to rate or amount, except for the limitation contained in section 73-33-13C New Mexico Statutes Annotated, 1953 Compilation, and, except to the extent other revenues are made available therefor. All bonds shall be the general obligations of the junior college district, and the full faith and credit of the junior college district shall be pledged for the payments thereof.

B. It may be provided in any proceedings authorizing any bonds hereunder that such bond shall recite that it is issued under authority of the Junior College Act (73-33-1 to 73-33-20). Such recital shall conclusively impart full compliance with all of the provisions of the Junior College Act, and all bonds issued containing such recital shall be incontestable for any cause whatsoever after their delivery for value.

C. All bonds issued by a junior college district shall be fully negotiable and constitute negotiable instruments within the meaning of and for all the purposes of the Uniform Commerical Code (50A-1-101 to 50A-9-507) as that law is now or may hereafter be in force in this state. If lost or completely destroyed, any bond may be reissued in the form and tenor of the lost or destroyed bond upon the owner furnishing to the

satisfaction of the board of such junior college:

(1) proof of ownership;

(2) proof of loss or destruction;

(3) a surety bond in twice the face amount of the bond and coupons; and

(4) payment of the cost of preparing and issuing the new bond and coupons.

D. Notwithstanding any other provision of law, the governing body may in any proceedings authorizing bonds hereunder provide for the initial issuance of one (1) or more bonds (in this section called "bond") aggregating the amount of the entire issue and may make such provision for installment payments of the principal amount of any such bond as it may consider desirable and may provide for the making of any such bond payable to bearer or otherwise, registrable as to principal or as to both principal and interest, and where interest accruing thereon is not represented by interest coupons, for the endorsing of payments of interest on such bond. The governing body may further make provisions in any such resolution for the manner and circumstances in and under which any such bond may in the future, at the request of the holder thereof, be converted into bonds of smaller denominations, which bonds of smaller denominations may in turn be either coupon bonds or bonds registrable as to principal or principal and interest.

History: C. 1953, (), 73-33-13.1 enacted by Laws 1964 (1st S. S.), ch. 16, (), 8; Laws 1966, ch. 3, (), 2.

Amendment.

The 1966 amendment inserted "except for the limitation contained in section 73-33-13C New Mexico Statutes Annotated, 1953 Compilation, and" after "amount" in the first sentence of subsection A.

Constitutionality.

The Junior College Act (73-33-1 to 73-33-20) was not void for indefiniteness as to retirement of bonds and payment of interest because subsection C of 73-33-13 provided for a maximum annual tax levy of not more than five mills while this section, prior to 1966 amendment, provided for levy of taxes without limitation since under 73-33-13 the five-mill limitation could be exceeded in any year that the property valuation in the district declined to a lower level than in the year bonds were issued. Daniels v. Watson, 75 N. M. 661, 410 P. 2d 193, 199 (dissenting opinion 75 N. M. 661, 410 P. 2d 193, 199).

73-33-13.2. Validation of junior college bonds.—All bonds heretofore approved in an election or issued or sold under the Junior College Act (73-33-1 to 73-33-20), or purportedly approved or issued or sold under the Junior College Act, and all acts and proceedings heretofore had or taken, or purportedly had or taken, under the Junior College Act or under color of the Junior College Act for the authorization, execution, sale and issuance of such bonds are hereby validated, ratified, approved and confirmed, except as hereinafter provided, notwithstanding any lack of power, authority or otherwise, other than constitutional, in such bonds, acts and proceedings, and in such authorization, execution, sale and issuance; and such bonds are and shall be binding, legal, valid and enforceable obligations of the junior college district issuing them in accordance with their terms and their authorizing proceedings, including, but not necessarily limited to, the terms, provisions, conditions and covenants of any resolution appertaining thereto, the redemption of bonds before maturity, the levy and collection of taxes, tolls and

charges, special assessments and general and other taxes, the pledge and use of the proceeds thereof, and the establishment of liens thereon and funds therefor.

History: Laws 1966, ch. 3, ( )

Emergency Clause.

Section 4 of ch. 3, Laws 1966 declared an emergency and provided that the act should take effect upon its passage and approval. Approved February 3, 1966.

73-33-14. Special tax levy for junior college operation.—A. In each junior college district, the board may call an election within the district for the purpose of authorizing the board to levy taxes on all taxable property within the district to be used for current operations and maintenance of the junior college distirct. Such taxes, if authorized as hereinafter provided, shall be in addition to the taxes authorized by section 73-33-13.1 NMSA 1953. This election will be for the purpose of allowing the electors, as the term "electors" is used in article 8, section 2 of the Constitution of New Mexico, to vote on whether or not to allow such a levy, and on a specific limitation not to exceed five (5) mills. If approved by a majority of the electors voting on the issue, the board of county commissioners, at the direction of the junior college board, shall levy such taxes in an amount certified by the state board as necessary to meet the annual budget approved by the state board, but in no event shall the taxes levied exceed the mill limitation approved by the electors. The board must every six (6) years, and may every two (?) years, submit the question of the specific limitation, and whether or not to continue the levy, to the electors for their decision.

B. Levies, assessments and collections authorized for junior college district financing shall be made at the same time and in the same manner as levies, assessments and collections for ad valorem taxes for school districts are made. Upon collection of the levy by the county treasurer, or treasurers, the proceeds shall be deposited in a bank or banks approved by the board. The board is authorized through its financial agent and upon its order to draw upon these funds for the purposes specified at each election.

C. At the next mandatory election provided for in Subsection A of this section, or at any prior election in which the levy for current operations of a junior college is reviewed, the junior college board may submit to the electors the question of whether or not to allow a continuing levy and on a specific mill-limitation on such continuing levy of not to exceed five mills. If approved by a majority of the electors voting on the issue, the tax levy for current operations and maintenance shall become a continuing levy, subject to the mill-limitation approved by the electors and the amount certified by the state board. An election to raise or lower the mill-limitation on, or to abolish, the continuing levy shall be called by the board upon receipt by it of a valid petition. To be valid the petition must be signed by electors of the district in a number equal to ten percent of the number of votes cast in the district for the office of governor at the last general election, and must state the question or questions to be voted upon."

Title of Act.

An act relating to junior colleges; providing for a continuing levy for operation and maintenance by election; and amending section 73-33-14 NMSA 1953 (being Laws 1964 (SS-1), chapter 16, section 9, as amended).—Laws 1969, ch. 178.

Compiler's Notes.

Laws 1964 (1st S. S.), ch. 16, § 9 repealed old section 73-33-14 (Laws 1963, ch. 17, § 14) and enacted a new section 73-33-14. Laws 1969 added subsection "C" to Section 73-33-14.

Amendment.

The 1965 amendment, in subsection A, inserted "as the term 'electors' is used in article 8, section 2 of the Constitution of New Mexico" after "allowing the electors" near the beginning of the second sentence and substituted "electors" for "voters" near the end.

Opinions of Attorney General.

1965-66, No. 65-195.

73-33-14.1. Procedure for elections.—A. In all elections held under the Junior College Act (73-33-1 to 73-33-20), the board calling the election shall give notice of such election in a newspaper of general circulation in the junior college district, at least once a week for three (3) consecutive weeks, the last insertion to be not less than thirty (30) days prior to the proposed election.

B. All elections held under the Junior College Act shall be conducted and canvassed in the same manner as municipal school elections unless otherwise specifically provided in the Junior College Act.

C. Any person or corporation may institute, in the district court of any county in which the junior college district affected lies, an action or suit to contest the validity of any proceedings held under the Junior College Act, but no such suit or action shall be maintained unless it is instituted within ten (10) days after the issuance by the proper official of a certificate or notification of the results of the election.

History: C. 1953, § 73-33-14.1 enacted by Laws 1964 (1st S. S.), ch. 16, § 10.

73-33-14.2. Enrollment defined—payments—Appropriation.— A. As used in this act, "full-time equivalent student" means:

(1) either one full-time student (a student enrolled for one or several terms which in the aggregate consist of thirty-two weeks, and who is taking twenty-three or more contact hours per week for the term or terms for which he is enrolled); or

(2) a computed student symbolized by each whole unit of a figure arrived at by dividing the aggregate number of contact hours taken by all students taking less than twenty-three contact hours a week during a term or terms which total thirty-two weeks, by the number twenty-three.

B. For the purpose of computing the number of full-time equivalent students for the technical and vocational payment, the following formulae shall be used:

(1) for full-time equivalent students based on full-time students the formula is:

$$\text{Full-time equivalent student} = \text{Number of full-time students} \times \frac{\text{Number of weeks of term for which enrolled}}{32}$$

(2) for full-time equivalent students based on part-time students the formula is:

$$\text{Full-time equivalent students} = \frac{\text{Total weekly contact hours}}{736} \times \text{Number of weeks of term for which enrolled}$$

nical and vocational courses shall be defined as and shall be computed on the same basis set out in Subsections A and B of this section for full-time equivalent students under the technical and vocational payment. For those students in junior colleges taking college level courses, full-time equivalent students shall be defined and computed by the board of educational finance, in the same manner in which it defines and computes full-time equivalent students for all other college-level programs within its jurisdiction.

(D) No student shall be included in any calculations made under the provisions of this section if he is enrolled in a course, the cost of which is totally reimbursed from federal, state or private sources, or if he is counted in the average daily membership of a public school district for the same time period.

(E) An amount not to exceed three hundred dollars ($300) for each full-time equivalent student may be budgeted for each junior college. For the first year of operation, the board of regents shall estimate the full-time equivalent student population, thereafter, the previous year's full-time equivalent student population shall be used.

(F) The board of educational finance shall require from the junior college such reports as it may deem necessary for the purpose of determining the number of full-time equivalent students at the junior college eligible to receive support under this section.

(G) The board of educational finance may recommend tuition and fee rates, and in fixing tuition and fee rates the junior college board shall separately establish:

(1) rates for New Mexico students residing in the junior college district;
(2) rates for New Mexico students not residing in the junior college district; and
(3) rates for out-of-state students.

(H) See House Bill 200 for subsequent years.

History: C. 1953, § 73-33-14.2 enacted by Laws 1968, ch. 70, § 2.

73-33-15. Sharing of facilities.—Junior college districts may contract for the use of sharing of facilities with any school. Any agreement entered into between the junior college board and a school board shall provide that each district using the facilities shall bear an appropriate and equitable share of the expenses for the maintenance and operation of the facilities used.

History: Laws 1963, ch. 17, § 15.

73-33-16. Addition of school districts to existing junior college districts.—A. The qualified electors within the territorial limits of any school district, group of school districts within a county or school districts in an adjoining county, not included in the junior college district as originally formed, may petition the state board to be added to the junior college district. The state board shall examine the petition and if it finds that the petition is signed by the requisite number of qualified electors as provided in section 73-33-4 and section 73-33-4.1 New Mexico Statutes Annotated, 1953 Compilation, the state board shall cause a survey to be made of the petitioning district or districts to determine the desirability of the proposed extension of the area of the junior college district.

B. In conducting the survey the state board shall ascertain the attitude of the junior college board and collect other information as prescribed in section 73-33-4 New Mexico Statutes Annotated, 1953 Compilation. If, on the basis of the survey, the state board finds that the proposed addition of the petitioning area will promote an improved education service in the area, it shall approve the petition. Thereafter, the state board shall proceed to call an election within the petitioning area and in the established junior college district on the question of the inclusion of the area in the junior college district. In the election, the procedure prescribed in sections 73-33-5, 73-33-6 and 73-33-14.1 New Mexico Statutes Annotated, 1953 Compilation shall be followed.

C. If it appears on canvass of the results of the election in the office of the secretary that a majority of the votes cast in each of the petitioning areas and within the established junior college district were in favor of the addition of the petitioning area or areas the secretary shall notify the boards of education within each school district and the junior college board of the results of the election and shall declare the extension of the boundaries of the junior college district to include the petitioning area or areas in which the proposed addition referendum carried by a majority vote. Such addition shall take effect on the next succeeding July 1.

D. The territory within each school district added to any existing junior college district shall automatically be subject to any special levy on taxable property approved for the junior college district for the maintenance of facilities and services and for support of bond issues.

History: Laws 1963, ch. 17, (§) 16; 1964 (1st S.S.), ch. 16, (§) 11.

Amendment.

The 1964 amendment, in subsection A, inserted "The qualified electors within the territorial limits of" at the beginning, and substituted "section 73-33-4 and section 73-33-4.1 * * * 1953 Compilation" for "section 4 of the Junior College Act" in the second sentence; in subsection B, substituted "section 73-33-4 * * * 1953 Compilation" for "section 4" at the end of the first sentence, substituted "petitioning area" for the words "school district" in the second sentence, substituted "area" for "school district" following "petitioning" in the third sentence, and substituted "sections 73-33-5, 73-33-6 and 73-33-14.1 * * * 1953 Compilation" for "sections 5 and 6 of the Junior College Act" in the fourth sentence; in subsection C, substituted "petitioning area" for "petitioning districts" and "petitioning area or areas" for "petitioning school district or districts" wherever they appear in the first sentence, and added the second sentence; in subsection D, inserted "The territory within" at the beginning; and made minor changes in punctuation throughout.

73-33-17. Transportation system.—When in the judgment of the board of an established junior college, the educational services of the college can be extended to a number of students who should be served by the college by the establishment of a transportation system, the board may do so through the use of maintenance funds from the annual tax levy. The junior college transportation system shall be limited to nonstop bus routes between outlying population centers within the junior college district and the junior college. Provided that, other laws to the contrary notwithstanding, local school boards within the junior college district shall allow junior college students to ride on public school buses over established routes upon payment by the junior college for the cost

of such services, and Provided further that the local school boards within the junior college district shall make every effort to schedule their bus routes and times in such manner that they accommodate the junior college students. Students who use college or public school bus facilities may be charged such fees as the junior college board deems reasonable. In lieu of providing any college owned or operated transportation, the board of the junior college may make agreements with local school boards for the transportation of college students to and from the college campus. The college board shall make payments to the local school fund for any transportation.

History: Laws 1963, ch. 17, (§) 17; 1964 (1st S. S.), ch. 16, (§) 12.

Amendment.

The 1964 amendment inserted "within the junior college district" in the second sentence; inserted the present third sentence; inserted "or public school" preceding "bus facilities" and "junior college" preceding "board" in the former third, now the fourth, sentence; substituted "any college owned or operated" for "college" following "In lieu of providing" at the beginning of the former fourth, now the fifth, sentence; deleted "and may charge a fee to the college students utilizing the transportation facilities" at the end of the former fifth, now the sixth, sentence, and made other minor changes in phraseology and punctuation.

73-33-18. Dissolution of junior college districts.—Junior college districts may be dissolved in the following manner.

A. Submission of a plan for the dissolution of the junior college district to the secretary by a petition signed by ten per cent (10%) of the qualified electors residing within the district. Upon receipt of a proper plan and petition, the secretary shall call a special election for the purpose of referring to the qualified electors residing in the district the question of dissolution. Plans for the dissolution of a junior college district must provide for the payment of all district debts and liabilities and for the equitable distribution of all remaining assets to the school districts within the junior college district.

B. If the secretary finds that a majority of the qualified electors voting on the issue at the special election have authorized the dissolution, the junior college board shall proceed with the approved plan. Upon completion of the plan, the board of the junior college shall submit a full report to the secretary and a copy of the report to each local school district board within the junior college district.

C. Upon receipt of the final report of the junior college board, the secretary shall examine the report to determine whether or not any outstanding obligations still exist and whether the terms of the approved plan have been accomplished. If, upon determination by the secretary, no obligations are yet outstanding and the provisions of the plan have been fulfilled, he shall formally declare the junior college district dissolved.

History: Laws 1963, ch. 17, (§) 18; 1964 (1st S. S.), ch. 16, (§) 13.

Amendment.

The 1964 amendment substituted "qualified electors" for "voters" following "referring to the" in the second sentence of subdivision A, and, in the first sentence of subdivision B, inserted "the secretary finds that" following "If" at the beginning and substituted "qualified electors * * * have authorized" for "qualified voters voting at the special election authorize."

73-33-19. Refunding bonds of junior college districts.—The board of any junior college district may, with the approval of the state board, issue negotiable coupon bonds, to be denominated refunding bonds, for the purpose of refunding any of the general obligation bonded indebtedness of such junior college. Whenever the board of any junior college district shall deem it expedient to issue refunding bonds, it shall adopt a resolution setting out the facts making the issuance of such bonds necessary or advisable, the determination of such necessity or advisability by the board and the amount of such refunding bonds which the board deems necessary and advisable to issue. Such resolution shall fix the rate or rates of interest of such bonds, which shall not exceed six per cent (6%) per annum the date of the refunding bonds, the denominations thereof, the maturity dates, the last of which shall not be more than twenty (20) years from the date of said refunding bonds, the place of payment within or without the state of both principal and interest, and shall further set out the form of such refunding bonds. Such refunding bonds when issued shall be negotiable in form, and bear the signature or the facsimile signature of the chairman of the board with the seal of the junior college district affixed thereto, and be attested by the secretary of the board. All such refunding bonds may be exchanged dollar for dollar for the bonds to be refunded, or they may be sold as directed by the governing body, and the proceeds thereof shall be applied only to the purpose for which the bonds were issued.

History: C. 1953, § 73-33-19 enacted by Laws 1964 (1st S. S.), ch. 16, § 14.

73-33-20. Liberal construction.—This Junior College Act (73-33-1 to 73-33-20) being necessary to secure the public health, safety, convenience and welfare, it shall be liberally construed to effect its purposes.

History: Laws 1964 (1st S. S.), ch. 16, § 15.

Separability Clause.

Section 16 of ch. 16, Laws 1964 (1st S. S.) read: "If any part or application of the Junior College Act is held invalid, the remainder of the provisions or their application to other situations or persons shall not be affected."

Opinions of Attorney General

1965-66, No. 65-195.

Cited in Daniels v. Watson, 75 N. M. 661, 410 P. 2d 193, 199.

BOARD OF EDUCATIONAL FINANCE, STATE OF NEW MEXICO
Legislative-Executive Building, Room 201
Santa Fe, New Mexico

March 25, 1966

Format for a Survey and Plan for the Establishment of a Branch Community College

A Community desiring to establish a branch community college must, through the local board of education and the board of regents of the proposed parent institution, transmit a proposal to the Board of Educational Finance. There is attached hereto a format for the required survey and plan to be submitted to the Board of Educational Finance, and a copy of the criteria for establishment of a branch community college developed by the Board of Educational Finance, as required by law.

It is suggested that a community desiring to establish a branch community college follow these steps:

1. Review the criteria for establishment of a branch community college to see if, in general, these criteria can be met.
2. Determine what school district or districts are to be included, and secure the necessary involvement of the board or boards of education.
3. Make a clearcut determination that a branch community college, rather than a local junior college, is desired.
4. Determine what institution is desired as the parent institution, and secure the cooperation of that institution in developing the survey and plan.
5. Arrange for a meeting of the local board, representatives of the parent institution, and the staff of the Board of Educational Finance, to initiate the work of developping the survey and plan.

The involvement of the local board, the parent institution, and the Board of Educational Finance staff at this early stage will facilitate the completion of the steps necessary for establishment of a branch community college.

March 25, 1966

Criteria for the Establishment of a Branch Community College

Developed by the Board of Educational Finance Pursuant
to Section 73-30-18 New Mexico Statutes Annotated 1953 Compilation

The criteria by which the Board of Educational Finance will evaluate any proposal to establish a branch community college are as follows:

1. Enrollment Base There must be a minimum sustained flow of 250 high school graduates annually from the public and non-public high schools located within the school district or districts proposing to establish the branch community college.

2. Geographic Considerations There must be no public four-year higher education institution, branch community college, or junior college within commuting distance, normally 40 miles, of the major population center of the school district or districts proposing to establish the branch community college. If there is a private college in the community, this must be given thorough consideration and lack of educational opportunity must be demonstrated.

3. Program There must be evidence that the proposed branch community college will be able to operate, on a practical cost basis, a program of college credit courses at the freshman and sophomore levels sufficient so that an individual student will be able to complete normal freshman and sophomore course requirements within two academic years of full-time attendance. There must be evidence that the proposed branch community college will be able to provide adequate guidance services to the students.

4. Staffing There must be evidence that qualified staff will be available so that all courses will be taught by individuals who have a masters degree or equivalent in the subject taught, who are qualified to teach on the main campus of the parent institution, and who are approved by the department of the parent institution. Not more than one course can be taught as an overload by an individual otherwise employed full time Plans must include movement to full-time, non-overload staffing and finally to full-time college staff members.

There must be evidence that qualified staff will be provided for the position of Director of the proposed branch community college and for guidance and library functions.

5. Facilities There must be adequate facilities available for the teaching of all courses to be offered. Some classroom facilities must be available for classes to be taught during the regular school day. Facilities for administrative,

library, and guidance functions of the branch community college must be available. Plans for necessary future development of facilities for the branch community college must be projected.

6. Library There must be evidence that adequate library resources for the proposed branch community college can be provided.

7. Financing A financing plan must be submitted based on the following elements for current operations:

a. a local tax of $100 per F.T.E. student as permitted by law.

b. tuition and fees at rates which, considering the differences between a branch community college program and a main-campus program, are comparable to the rates on the main campus of the parent institution.

c. state support at not to exceed $300 per F.T.E. student as provided by law, with the state support not to be provided unless and until the levying of $100 per F.T.E. student of local tax has been put into effect.

A projected budget must show that funds as listed above will support an expenditure budget sufficient to meet criteria three to six inclusive and sufficient for the number of students projected.

The financing plan must show that needed development of facilities can be provided.

8. There must be evidence that the community is prepared to give full support to the proposed branch community college; including full cooperation of the public schools and other appropriate community agencies, willingness to support the $100 per F.T.E. local tax levy, interest in providing scholarships and part-time employment for students, and other appropriate indications of community interest.

9. There must be submitted a survey and plan, prepared jointly by the Board of Education and the proposed parent institution, set forth in accordance with the format prescribed by the Board of Educational Finance.

BOARD OF EDUCATIONAL FINANCE, STATE OF NEW MEXICO
Legislative-Executive Building, Room 201
Santa Fe, New Mexico

March 25, 1966

Format for Survey and Plan

I Need for a Branch Community College from the Standpoint of Educational Opportunity.

A. A follow-up study of local high school graduates.

B. A survey of the local adult population to determine demand for a branch community college program.

C. An examination of the geographic aspects of educational opportunity for the community.

II Enrollment Base

A. An enrollment history in public and non-public schools presented in a format supplied by the staff of the Board of Educational Finance.

B. A review of social and economic factors of the community which will have a bearing on future enrollment levels.

C. A projection of enrollments and high school graduates in the public and non-public schools and enrollments in the branch community college.

III Program

A. A listing of the courses to be offered in the proposed branch community college specifying those which will be most likely offered during the regular school day. A showing that these courses will permit an individual student to complete normal freshman and sophomore requirements within two academic years of full time attendance, and a showing of the extent of which these courses will fall short of permitting an individual to complete freshman and sophomore requirements in specialized fields, such as engineering and business.

B. A description of the guidance services to be provided.

IV Staffing

A. An inventory of staff currently available in the community who are qualified to teach the courses listed in IIIA and to perform the administrative, guidance, and library functions

B. A plan for securing the additional qualified staff which will be

needed, and for movement to full-time, non-overload staffing and finally to full-time college staff members.

V Facilities

A. An inventory of facilities, including equipment, currently available for the teaching of the courses listed in IIIA and for administrative, guidance, and library functions of the branch community college.

B. A plan for future development of facilities for the branch community college.

VI Library

A. A report by the librarian of the parent institution which presents an inventory of library resources currently available and a plan for development of adequate library resources for the courses to be offered.

B. A plan, in specific detail, for the operation of the branch community college library, including the manner in which library staff will be used and use of the parent institution's library resources.

VII Financing

A. A projected operating budget based on projected enrollments as shown in IIC, the courses to be offered as listed in IIIA; the staffing shown in IV; the operation of the facilities shown in V; the library development shown in VI; and income from the local tax levy, tuition and fees, state support, and any other income which is anticipated.

B. A financing plan for the development of the facilities shown in V.

VIII Community Support

A. Specific evidence of willingness to cooperate, on the part of the public schools and other community agencies, in doing the things necessary for the development of the branch community college in the areas of staffing, facilities, and library.

B. Specific evidence of support by appropriate community leadership for the levying of the local tax as permitted by law and for developing the facilities projected as needed.

C. Evidence of interest in providing scholarship aid, part time work

for students, and other kinds of tangible support for the branch community college.

IX The Proposed Agreement - As a part of the survey and plan, a proposed written agreement between the local board and the board of regents of the parent institution as required by law, shall be drafted.

UNIVERSITY OF CALIF.
LOS ANGELES

MAY 23 1975

CLEARINGHOUSE FOR
JUNIOR COLLEGE
INFORMATION